Sen. Deb Peters, South Dakota
2017-2018 NCSL President
What Does NCSL Do?

• Serves 7,383 legislators and 25,000 legislative staff
• Provides non-partisan research & analysis
• Links legislators with each other and experts
• Speaks on behalf of legislatures in D.C.
When you think of innovation, do you think of Government?
When you think of innovation, do you think of Government?

Federal Judge Rules Arizona’s Diaper Changing Child Molestation Law Is Unconstitutional

By Mark Joseph Stern

Arizona accidentally criminalized parents changing diapers.
When you think of innovation, do you think of Government?

In Alabama, bear wrestling matches are prohibited.
When you think of innovation, do you think of Government?

In South Dakota, it is illegal to sleep in a cheese factory.
What about innovation in highway safety?
What about innovation highway safety?

Washington distracted-driving law has drivers wondering if they can still drink coffee on the road

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Distracted driving laws incenting drivers to “text in their laps” to avoid detection, migrating to hands-free systems, which have been shown to offer little safety benefit over hand-held cell phones, or begging the question on the safety of seemingly innocuous tasks behind the wheel like eating or drinking.

The confusion comes from a section of the law that treats non-electronic distractions as a secondary offense. Specific distractions are undefined, but lawmakers and officials have mentioned eating or drinking, applying mascara, reading a book, or having a dog on your lap.
What about innovation highway safety?

Increased rural interstate speed limits leading to more crashes and costs for states.
What about innovation highway safety?

- Teen driver GDL laws limiting double dating.
- 15 states now prohibit teenagers from driving with another teenager.
- South Dakota’s minimum age, for instance, is 14, but because of agriculture.
Utah's recent change from .08 blood alcohol content to .05 resulted in unforeseen consequences for gun owners and run rights.

What about innovation highway safety?
Key Take-Away’s
• Sometimes seeking to solve problems often fails to foresee negative “externalities”.
• Laws aiming to change human behavior, such as behavioral traffic laws, sometimes fail to take into account how drivers will actively (texting in their laps) or passively (red light rear end crashes) react in unexpected ways.
Key Take-Aways

- Demonstrates that laws and enforcement are only one of many tools (education, engineering, technology) necessary to achieve safer roads.
  - Transportation safety does not exist in a vacuum.
  - Driving behaviors are often tied to broader social values and pressures.
  - We have to think about the big picture to craft policy that is acceptable to the public and effective at improving safety.
Moving Forward
• We as policy makers need to look broader than the initial focus.
• Don’t put the cart before the horse...